

Serial No. 09/995,021

Attorney Docket No. 10541-809

## II. Remarks

Claims 1-16 stand rejected. Claims 1-5 and 9-13 are being amended. Specifically, claims 1 and 9 now require a shared sensor coupled to a seating system and a second system.

Accordingly, after entering the above amendments, claims 1-16 remain pending. Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

### *Claim Rejections - 35 U.S.C. § 102(b)*

Claims 1, 2, 6, 9, 10, and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,707,109 to Massara et al. ("Massara"). Applicant respectfully traverses this rejection.

Massara discusses, as shown in its Figures 1 and 2, a seat assembly (10) with a seat cushion (12) and a seat back (14) for a vehicle. The seat assembly (10) also includes right and left side bolsters (18, 20) positioned on either side of an occupant. As the vehicle maneuvers along a road, a sensing means (34) senses lateral accelerations (36, 38) experienced by the vehicle and transmits this data to the control means (32). The control means (32) actuates adjustment means (24) to adjust the bolsters (18, 20) for providing additional support to the occupant when the seat assembly (10) experiences forces above a predetermined threshold from the lateral accelerations (36, 38).

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The sensing means (34) is coupled only to the control means (32) *and to no other system.*

From this, it is submitted that Massara fails to show a shared sensor coupled to a control unit of a seating system and to a second system. Therefore, Massara fails to teach each and every element of Applicant's invention as recited in claims 1 and 9. Accordingly, reconsideration of the rejections under 35 U.S.C. § 102(b) and allowance of claims 1 and 9 are respectfully requested.

Since claims 2, 6, 10, and 14 directly or indirectly depend from either claims 1 or 9, the reasons for allowance of claims 1 and 9 apply as well to the dependent claims.

*Claim Rejections - 35 U.S.C. §103(a)*

Claims 3 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Massara et al. in view of U.S. Patent No. 6,691,015 to Levine ("Levine"). Claims 4, 5, 12, and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Massara et al. in view of U.S. Patent No. 6,056,079 to Cech ("Cech"). Claims 7, 8, 15, and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Massara et al. Applicant respectfully traverses these rejections.

Since neither Levine nor Cech overcomes the deficiencies of Massara and because claims 3-5, 7, 8, 11-13, and 15 directly or indirectly depend from

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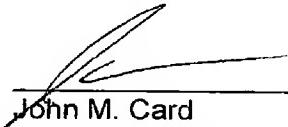
claims 1 or 9, Massara alone, or the combination of Massara with either Levine or Cech, cannot render claims 3-5, 7, 8, 11-13, 15, and 16 as obvious. The rejections under §103(a) are therefore improper and should be withdrawn.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims (claims 1-16) are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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